

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

**JUVENILE PROCEDURE.** Provides relative to jurisdiction over certain juvenile proceedings.

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DIGEST

Present law provides that a child who is 15 years of age or older at the time of the commission of certain enumerated offenses is subject to the exclusive jurisdiction of the juvenile court until either an indictment charging one of those offenses is returned, or the juvenile court finds probable cause that he committed one of those offenses, whichever occurs first.

Present law provides that if an indictment is returned or a bill of information is filed, the child is subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction for all subsequent procedures, including the review of bail applications, and the child is to be transferred to the appropriate adult facility for detention prior to his trial as an adult.

Present law provides that if a competency or sanity examination is ordered, the criminal proceedings are stayed except for the filing of a delinquency petition, and no further steps to prosecute the child can occur until counsel is appointed for the child and notified, and the court determines mental capacity to proceed.

Proposed law amends present law and provides that the district court may order that the child be transferred to the appropriate adult facility for detention prior to his trial as an adult.

Proposed law amends present law and provides that if a competency or sanity examination is ordered, except for the filing of a delinquency petition, the return of an indictment, or the filing of a bill of information, no further steps to prosecute the child can occur until the court exercising criminal jurisdiction appoints counsel for the child and provides notification in accordance with present law and determines the child's mental capacity to proceed.

Proposed law provides that when an indictment has been returned or a bill of information is filed, the district court exercising criminal jurisdiction is the proper court to determine the child's mental capacity to proceed, and provides that in all other instances, the juvenile court is the proper court to make this determination.

Present law provides that any juvenile transferred for criminal trial in accordance with certain provisions of present law may seek a special sanity hearing that is to be conducted in accordance with present law and provides that the provisions of present law are to govern the determination of capacity or incapacity to proceed to trial.

Proposed law retains present law and further provides that the determination of the juvenile's capacity to proceed to trial is to be governed by the provisions of present law.

(Amends Ch.C. Art. 305(B)(4) and (E) and C.Cr.P. Art. 644.1)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Added provision that states that if a competency or sanity examination is ordered, no further steps to prosecute the child can occur until counsel is appointed for the child.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the  
reengrossed bill

1. Changes proposed law provision relative to the prosecution of a child in criminal court after a competency or sanity examination has been ordered.